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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,857	11/07/2000	Kathryn Armour	620-117	5675

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EXAMINER
HUYNH, PHUONG N

ART UNIT	PAPER NUMBER
1644	12

DATE MAILED: 12/06/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/674,857	ARMOUR ET AL.	
	Examiner	Art Unit	
	" Neon" Phuong Huynh	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *One* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/7/00; 5/18/01* .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-31* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1644, Group 1640, Technology Center 1600.

2. **Please Note**: In an effort to enhance communication with our customers and reduce processing time, Group 1640 is running a Fax Response Pilot for Written Restriction Requirements. A dedicated Fax machine is in place to receive your responses. The Fax number is 703-305-3704. A Fax cover sheet is attached to this Office Action for your convenience. We encourage your participation in this Pilot program. If you have any questions or suggestions please contact Paula Hutzell, Ph.D., Supervisory Patent Examiner at Paula.Hutzell@uspto.gov or 703-308-4310. Thank you in advance for allowing us to enhance our customer service. Please limit the use of this dedicated Fax number to responses to Written Restrictions.

3. The restriction mailed on 6/28/01 has been vacated in view of the corrected copy of 903 received on 8/30/01.

4. Claims 1-31 are pending.

Election/Restrictions

5. Restriction to one of the following inventions is required under 35 U.S.C. 121 and 372:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1:

I. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an antibody CAMPATH-1 capable of binding to RhD antigen of red blood cell and a pharmaceutical preparation.

II. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an antibody FOG1 capable of binding to RhD antigen of red blood cell and a pharmaceutical preparation.

III. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an antibody OKT3 which is capable of binding to T-cell receptor and a pharmaceutical preparation.

IV. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an antibody B2 (anti-HPA-1a) which is capable of binding to platelet glycoprotein Ia/IIa or HPA-1a and a pharmaceutical preparation.

V. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of antibody VAP-1 which is capable of binding to antigen VAP-1 and a pharmaceutical preparation.

VI. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of antibody murine anti-α3 (IV) NCl which is capable of binding to GBM collagen and a pharmaceutical preparation.

VII. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of antibody YTH12.5 (CD 3) which is capable of binding to CD3 binding domain and a pharmaceutical preparation.

VIII. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of antibody 2C7 (anti-Der p I) which is capable of binding to antigen Der pI and a pharmaceutical preparation.

IX. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of antibody anti-laminin which is capable of binding to adhesion molecule laminin and a pharmaceutical preparation.

X. Claims 1-15 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of antibody anti-lutheran which is capable of binding to hormone Lutheran and a pharmaceutical preparation.

XI. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an enzyme and a pharmaceutical preparation.

XII. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of a hormone and a pharmaceutical preparation.

XIII. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of a receptor and a pharmaceutical preparation.

XIV. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of a cytokine and a pharmaceutical preparation.

XV. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an antigen and a pharmaceutical preparation.

XVI. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of a ligand is capable of binding to neutrophil antigen and a pharmaceutical preparation.

XVII. Claims 1-13 and 30, drawn to a recombinant polypeptide comprising a binding domain and an effector domain wherein the binding domain is the binding site of an adhesion molecule and a pharmaceutical preparation.

XVIII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody CAMPATH-1, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XIX. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody FOG1, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XX. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody OKT3, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXI. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody B2 (anti-HPA-1a), transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody VAP-1, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXIII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody murine anti-α3 (IV) NCl, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXIV. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody YTH12.5 (CD3), transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXV. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody 2C7 (anti-Der p I), transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXVI. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a

binding domain wherein the binding domain is the binding site of antibody anti-laminin, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXVII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of antibody anti-lutheran, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXVIII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of an enzyme, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXIX. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of a hormone, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXX. Claims 16-22 and 30 drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of a receptor, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXXI. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of a cytokine, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXXII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of an antigen, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXXIII. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule

and a binding domain wherein the binding domain is the binding site of a ligand, transformed host cell a process of producing said binding molecule and a pharmaceutical composition.

XXXIV. Claims 16-22 and 30, drawn to an isolated nucleic acid or a replicable vector comprising a nucleotide sequence encoding the effector domain of the binding molecule and a binding domain wherein the binding domain is the binding site of an adhesion molecule, transformed host cell, a process of producing said binding molecule and a pharmaceutical composition.

XXXV. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the RhD antigen of red blood cells for the treatment of Graft-vs-Host disease, host-vs graft disease, or organ transplant rejection, bone-marrow transplant rejection.

XXXVI. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the HPA alloantigen of platelets for the treatment of alloimmunity wherein the alloimmunity is fetal and neonatal thrombocytopenia.

XXXVII. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is a neutrophil antigen for the treatment of chronic or acute inflammatory disease.

XXXVIII. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is a T-cell receptor for the treatment of inflammatory disease.

XXXIX. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second

binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the integrin for the treatment of sickle cell disease.

XL. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the GBM collagen for the treatment of chronic or acute inflammatory disease wherein the disease is Goodpastures.

XLI. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the Der p1 antigen for the treatment of asthma and allergy.

XLII. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the HPA-1a for the treatment of autoimmune thrombocytopenia.

XLIII. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the VAP-1 for the treatment of chronic or acute inflammatory disease wherein the disease is Crohn's disease.

XLIV. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the laminin for the treatment of Sickle cell disease.

XLV. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the lutheran for the treatment of sickle cell disease.

XLVI. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second

binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the platelet glycoprotein VI for the treatment of hemolytic anemia.

XLVII. Claims 23-29, drawn to a method of using a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the platelet glycoprotein Ia/IIa for the treatment of thrombosis and coronary artery occlusion.

XLVIII. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the RhD antigen of red blood cells for the treatment of Graft-vs-Host disease, host-vs graft disease, or organ transplant rejection, bone-marrow transplant rejection.

LXIX. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the HPA alloantigen of platelets for the treatment of alloimmunity wherein the alloimmunity is fetal and neonatal thrombocytopenia.

L. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is a neutrophil antigen for the treatment of chronic or acute inflammatory disease.

LI. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is a T-cell receptor for the treatment of inflammatory disease.

LII. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of

a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the integrin for the treatment of sickle cell disease.

LIII. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the GBM collagen for the treatment of chronic or acute inflammatory disease wherein the disease is Goodpastures.

LIV. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the Der p1 antigen for the treatment of asthma and allergy.

LV. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the HPA-1a for the treatment of autoimmune thrombocytopenia.

LVI. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the VAP-1 for the treatment of chronic or acute inflammatory disease wherein the disease is Crohn's disease.

LVII. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the laminin for the treatment of Sickle cell disease.

LVIII. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the lutheran for the treatment of sickle cell disease.

LIX. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the platelet glycoprotein VI for the treatment of hemolytic anemia.

LX. Claims 23-29, drawn to a method of using nucleic acid that encodes a binding molecule to bind to a target molecule wherein the target molecule is FcγRIIb to inhibit the binding of a second binding molecule to the target molecule wherein the second binding molecule is an antibody and the target molecule is the platelet glycoprotein Ia/IIa for the treatment of thrombosis and coronary artery occlusion.

LXI. Claim 31, drawn to oligonucleotides of SEQ ID NOS: 16-19.

The inventions listed as Groups I-LXI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Cole et al (Immunology 159: 3613-3621; PTO 1449) teach a binding molecule which is a recombinant polypeptide comprising a binding domain capable of binding to a target molecule such as a T cell receptor and an effector domain having an amino acid sequence substantially homologous to part of a constant domain of a human heavy chain wherein the effector domain comprises a human immunoglobulin heavy chain of IgG2 having at least 2 amino acids at position 234 and 235 have been modified to V and A, respectively (See page 3615, Table 1, in particular). The said effector domain is capable of specifically binding to FcγIIb, and is derived from two or more human immunoglobulin heavy chain CH2 domains from IgG2, as recited in claims 1-3 (See page 3614, Materials and Methods, page 3617-3619, in particular). The said binding domain is the binding site of an antibody, which is capable of binding to a T cell receptor as recited in claims 13-14 (See entire document).

Since Applicant's inventions do not contribute a special technical feature when viewed over the prior art they do not have single general inventive concept and lack unity of invention.

5. Accordingly, Groups I- LXI are not so linked as to form a single general inventive concept and restriction is proper.

6. Irrespective of whichever group the applicant may elect, the applicant is further required under 35 U.S.C. 121 to elect:

If Group XI is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific enzyme and (2) a specific binding domain such as the ones recited in claims 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XII is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific hormone and (2) a specific binding domain wherein the effector domain is human immunoglobulin such as the ones recited in claim 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XIII is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific receptor and (2) a specific binding domain such as the ones recited in claim 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XIV is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific cytokine and (2) a specific binding domain such as the ones recited in claim 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XV is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific antigen and (2) a specific binding domain such as the ones recited in claim 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XVI is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific ligand and (2) a specific binding domain such as the ones recited in claim 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XVII is elected, the Applicant is required to elect a specific binding molecule comprising (1) a specific adhesion molecule and (2) a specific binding domain such as the ones recited in claim 14. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXVIII is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific enzyme. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXIX is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific hormone. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXX is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific receptor. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXXI is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific cytokine. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXXII is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific antigen. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXXIII is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific ligand. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

If Group XXXIV is elected, the Applicant is required to elect a specific binding molecule comprising a specific nucleic acid molecule encoding the specific binding domain of a specific adhesion molecule. These binding molecules differ with respect to their structures, binding specificity and physiochemical properties. Therefore, they are patentably distinct.

7. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 16 are generic.

8. Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

9. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

10. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

11. Due to the complexity of the claimed invention an oral restriction was not made.

12. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (703) 308-4844. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

15. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Phuong N. Huynh, Ph.D.
Patent Examiner
Technology Center 1600
December 3, 2001

Christina Chan

CHRISTINA Y. CHAN
SUPERVISORY PATENT EXAMINER
GROUP ~~1800~~ 1600